

Chairperson Scott Hickle
Vice-Chairperson Pete Bienski
Parliamentarian Nancy Hardeman



Commissioners
Michael Beckendorf
Leo Gonzalez
Bobby Gutierrez
Kevin Krolczyk
Prentiss Madison
Robert Swearingen

MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, AUGUST 21, 2014 – 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription*

1. CALL TO ORDER.

Chairperson Hickle called the meeting to order at 6:05 pm.

Commissioners	Present	2014 Regular Meetings Held	2014 Regular Meetings Attended	Regular Meetings Held During Last 6 Months	Regular Meetings Attended During Last 6 Months
Michael Beckendorf	Y	12	9	10	8
Pete Bienski	Y	12	11	10	9
Leo Gonzalez	N	12	9	10	7
Bobby Gutierrez	Y	12	12	10	10
Nancy Hardeman	Y	12	11	10	9
Scott Hickle	Y	12	11	10	9
Kevin Krolczyk	Y	12	12	10	10
Prentiss Madison	Y	12	12	10	10
Robert Swearingen	Y	12	11	10	9

Staff Members Present: Mr. Martin Zimmermann, Planning Administrator; Ms. Lauren Crawford, First Assistant City Attorney; Mr. Randy Haynes, Senior Planner; Ms. Maggie Dalton, Staff Planner; Mr. Matthew Hilgemeier, Staff Planner; Mr. Cody Cravatt, Development Manager; and Mr. Phillip Melton, Planning Intern.

2. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.

Commissioners led the pledge.

3. HEAR CITIZENS.

No citizens came forward.

4. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

No affidavits were filed.

5. CONSENT AGENDA.

a. Approval of minutes from the workshop and regular meetings on August 7, 2014.

b. Right-of-Way Abandonment RA14-03: West 23rd Street and North Parker Avenue

A request to abandon portions of public street right-of-way for West 23rd Street and North Parker Avenue, adjacent, north, and east of Block 142 in the Bryan Original Townsite in Bryan, Brazos County, Texas. (R. Haynes)

c. Easement Release ER14-03: Block 142 Bryan Original Townsite

A request to release a 20-foot wide and 125-foot long public utility easement that extends west from North Parker Avenue between West 23rd and West 24th Streets in Block 142 of the Bryan Original Townsite in Bryan, Brazos County, Texas. (R. Haynes)

d. Right-of-Way Abandonment RA14-04: Koch and De Lee Streets

A request to abandon an approximately 50-foot wide and 196-foot long segment of public street right-of-way for Koch Street and an approximately 50-foot wide and 200-foot long segment of public street right-of-way for De Lee Street, extending generally west of Memorial Drive between Kent and 29th Streets in Bryan, Brazos County, Texas. (M. Hilgemeier)

e. Easement Release ER14-01: St. Joseph Regional Health Center

A request to release a portion of a 20-foot wide (3,920 sq. ft.) public utility easement that extends generally east from Memorial Drive, north from its intersection with Koch Street, in Lot 1 of Block F of the St. Joseph Regional Health Center Subdivision in Bryan, Brazos County, Texas. (M. Hilgemeier)

f. Final Plat FP14-16: Silver Horse Ranch Subdivision

Proposed Final Plat of Silver Horse Ranch Subdivision, being 57.966 acres of land out of the Moses A. Foster Survey, A-16, located southwest of the current terminus of Golden Eagle Drive generally southwest of Carrabba Road in Bryan's eastern extraterritorial jurisdiction (ETJ) in Brazos County, Texas. (M. Dalton)

Commissioner Bienski moved to approve the Consent Agenda. Commissioner Krolczyk seconded the motion, and the motion passed unanimously.

6. REQUESTS FOR APPROVAL OF REPLATS – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval).

a. Replat RP14-11: Block 142 of Bryan Original Townsite

Proposed Replat of Lots 6, 7, and parts of Lots 3, 4, 5 and 8 in Block 142 of Bryan Original Townsite, and portions of public street right-of-way for West 23rd Street and North Parker Avenue that have been requested to be abandoned, being a total of 0.47 acres of land at the southwest corner of West 23rd Street and North Parker Avenue in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

The public hearing was opened.

No citizens came forward.

The public hearing was closed.

Commissioner Gutierrez moved to approve RP14-11 and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Bienski seconded the motion.

The motion passed unanimously.

b. Replat RP14-17: Woodville Acres Subdivision

Proposed Replat of portions of Lots 12 and 13 in Woodville Acres Subdivision, being 0.46 acres of land located at the north corner of Woody Lane and Stevens Drive in Bryan, Brazos County, Texas. (M. Hilgemeier)

Mr. Hilgemeier presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

The Commission directed a question to staff about the possibility of a new house being built on the second lot. Mr. Hilgemeier indicated that it was a residential lot but that no plans had been submitted.

The public hearing was opened.

No citizens came forward.

The public hearing was closed.

Commissioner Gutierrez moved to approve RP14-17 and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Swearingen seconded the motion.

The motion passed unanimously.

c. Replat RP14-19: Community Health Center Subdivision

Proposed Replat of Community Health Center Subdivision, being 4.711 acres of land adjoining the southwest side of South Texas Avenue, approximately 175 feet southeast of the intersection of Sulphur Springs Road in Bryan, Brazos County, Texas. (M. Dalton)

Ms. Dalton presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

The public hearing was opened.

No citizens came forward.

The public hearing was closed.

Commissioner Bienski moved to approve RP14-19 and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Beckendorf seconded the motion.

The commissioners discussed that the replat met all of the requirements.

The motion passed unanimously.

d. Replat RP14-20: Buffington Subdivision

Proposed Replat of parts of Blocks 30, 31 and 32 of Mitchell's Addition and part of Block 2 of Phillips Addition, being a total of 1.0241 acres of land adjoining the northeast side of East 29th Street between Baker and Hutchins Streets in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

The public hearing was opened.

No citizens came forward.

The public hearing was closed.

Commissioner Bienski moved to approve RP14-20 and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Gutierrez seconded the motion.

The commissioners discussed that the replat met all of the requirements.

The motion passed unanimously.

7. REQUESTS RELATED TO 0.876 ACRES OF VACANT LAND LOCATED AT THE EAST CORNER OF EAST 29TH AND SOUTH HUTCHINS STREETS – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; applicants may direct appeal of variance denial to City Council).

a. Planning Variance PV14-08: Laurence Marino

A request for variance from the minimum 100-foot lot depth generally required on lots in Residential District - 5000 (RD-5) zoning districts, to allow the division of two existing lots into five new lots, two of which are proposed to have lot depths of approximately 83.9 feet and 84.5 feet, respectively, 0.876 acres of vacant land located at the east corner of East 29th and South Hutchins Streets, being a portion of Block 3 in Phillips Addition and a portion of Block 62 in the JP Mitchell's Addition in Bryan, Brazos County, Texas. (M. Dalton)

Ms. Dalton presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

The public hearing was opened.

No citizens came forward.

The public hearing was closed.

Commissioner Madison entered Council Chambers at 6:20p.m.

Commissioner Hardeman moved to approve PV14-08 and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Bienski seconded the motion.

Commissioners discussed that the lots were larger than required. However, some concerns were raised regarding the smaller lot size compared to surrounding lots and the lots being out of character with the surrounding neighborhood. Commissioner Bienski reminded the Commission that five votes were required to approve the variance.

The motion passed with a vote of six (6) in favor and two (2) in opposition, with Commissioners Beckendorf and Krolczyk casting votes in opposition.

b. Replat RP14-07: Block 62 in JP Mitchell's Addition

Proposed Replat of a portion of Block 3 in the Phillips Addition and a portion of Block 62 in the JP Mitchell's Addition, being 0.876 acres of vacant land located at the east corner of East 29th and South Hutchins Streets in Bryan, Brazos County, Texas. (M. Dalton)

Ms. Dalton presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

In response to questions from the Commission, Ms. Dalton stated that staff had suggested to the applicants platting the property into four lots instead of five, but that the applicants decided to proposed five lots.

The public hearing was opened.

No citizens came forward.

The public hearing was closed.

Commissioner Beckendorf moved to deny RP14-07. Chairperson Hickle seconded the motion.

Ms. Crawford stated that in order to comply with state law, the Commission must approve the replat if it meets all of the requirements. She reminded that with approval of the related lot depth variance PV14-08, the proposed replat met all statutory requirements. Ms. Crawford stated that the Commission had the option to reconsider PV14-08.

Commissioner Beckendorf withdrew his motion to deny RP14-07.

Commissioner Gutierrez moved to reconsider PV14-08. Commissioner Beckendorf seconded the motion. The motion to reconsider PV14-08 failed with a vote of four (4) in favor and four (4) in opposition, with Commissioners Hickle, Bienski, Hardeman, and Madison casting votes in opposition.

Chairperson Hickle moved to approve RP14-07 and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Bienski seconded the motion.

Commissioners discussed the need for infill in the area.

The motion passed with a vote of six (6) in favor and two (2) in opposition, with Commissioners Beckendorf and Swearingen casting votes in opposition.

8. REQUESTS FOR APPROVAL OF CONDITIONAL USE PERMITS – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; appeals may be directed to City Council).

a. Conditional Use Permit CU14-05: U&C Family Investments

A request for approval of a Conditional Use Permit to allow a neighborhood grocery store on property in a Residential District – 5000 (RD-5) zoning district, specifically 0.346 acres of land adjoining the northeast side of Palasota Drive between McArthur Avenue and Bridge Meadow Lane, being Lot 6R-2 in W.J. Coulter Subdivision of the Morille Tract in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

The Commission asked staff why this type of use is not in areas like Copperfield or Traditions. Mr. Haynes stated that people there have been no requests for neighborhood stores in those subdivisions and pointed out that a convenience store is located at the entrance of the Copperfield Subdivision. He also reminded Commissioners that the proposed neighborhood store would not be allowed to sell fuel or liquor.

In response to questions, Mr. Haynes stated that the nearest neighborhood grocery store is located about ¼ of a mile from this location and that three citizens that signed protest petitions (on file in the Development Services Department) owned property located within 200 feet from the subject property.

The public hearing was opened.

Mr. Parviz Vessali, 110 Pershing Avenue, College Station, TX, representing the applicant, discussed the neighborhood market proposal and answered questions from the Commission.

The following citizens came forward to speak in opposition to the request: Roy Varacruz, 1905 Palasota Dr.; K. Rahman, 2617 Texas Ave.; Evangeline Guerreo, 1502 Bamboo St.; Ana Fonseca, 920 Clearleaf Drive.

Concerns expressed by citizens were:

- increased traffic
- pedestrian safety, specifically regarding children
- out of character with the surrounding area, business does not belong in a neighborhood
- enough neighborhood stores in the area

In response to questions from the Commission, Mr. Haynes stated that he did not know what the hours of operation would be and reminded that Commissioners could restrict those if deemed necessary.

The public hearing was closed.

Commissioner Bienski moved to approve CU14-05 and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Gutierrez seconded the motion.

Commissioners discussed that these stores are good for neighborhoods and would reduce the need for children to cross the street to get to the other stores in the vicinity. Commissioners also discussed that the site is on a collector street and that no liquor or fuel would be sold at this location. Conditions on hours were discussed but it was determined that this could prevent shift workers access to the goods and services offered here.

The motion passed unanimously.

9. REQUESTS RELATED TO 1,918 ACRES OF LAND ADJOINING THE SOUTHWEST SIDE OF THE NORTH EARL RUDDER FREEWAY WEST FRONTAGE ROAD BETWEEN SYMPHONY PARK DRIVE AND LONG DRIVE – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; applicants may direct appeal of variance/Conditional Use Permit denial to City Council).

a. Rezoning RZ14-15: Mark W. Bedgood

A request to change the zoning classification from Office District (C-1) to Retail District (C-2) on 1,918 acres of land adjoining the southwest side of the North Earl Rudder Freeway West Frontage Road, addressed as 1003 North Earl Rudder Freeway, between Symphony Park Drive and Long Drive, being the Department of Public Safety Area Office Subdivision in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

The public hearing was opened.

No citizens came forward.

The public hearing was closed.

Commissioner Beckendorf moved to recommend approval of RZ14-15 and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Madison seconded the motion.

The commissioners discussed it was a good idea and great use on a property that has been vacant.

The motion passed unanimously.

b. Conditional Use Permit CU14-11: Mark W. Bedgood

A request for approval of a Conditional Use Permit, to allow an auto sales and service business on property in a Retail District (C-2) zoning district, specifically on property located at 1003 North Earl Rudder Freeway between Symphony Park Drive and Long Drive, being 1.918 acres of land and the Department of Public Safety Area Office Subdivision in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

The public hearing was opened.

Mr. Mark Bedgood, 3908 SSW Loop 323, Tyler, TX, the applicant, stated that the store would look similar to the one in Tyler.

The public hearing was closed.

Commissioner Beckendorf moved to approve CU14-11 and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Gutierrez seconded the motion.

Chairperson Hickle reminded that, if approved, the Conditional Use Permit would be contingent on the approval of RZ14-15 by City Council.

Commissioners discussed that the use fits the area and that it would be good for the City of Bryan.

The motion passed unanimously.

10. ADJOURN.

Without objection, Chairperson Hickle adjourned the meeting at 8:30 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the 4th day of **September, 2014**.

A. S. Hickle, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Martin Zimmermann, AICP
Planning Administrator and Secretary to the
Planning and Zoning Commission